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November 22, 1999

Ms. Magalie Roman Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, TW-A325  
Washington, DC 20554

Re: CC Docket No. 99-316; RM 9486

Dear Ms. Salas:

Enclosed, herein, please find an original and four copies of the United States Telecom Association's comments to be filed in the above-referenced proceeding.

If you have any questions, please contact the undersigned.

Sincerely,

Julie E. Rones, Esq.  
Senior Counsel  
The United States Telecom Association

Enclosures

cc: Wanda Harris, FCC (with diskette)  
International Transcription Services, Inc. (with diskette)

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
National Exchange Carrier )  
Association, Inc. )  
 )  
Petition to Amend Section 69.3 of )  
the Commission's Rules )

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CC Docket No. 99-316  
RM 9486

**COMMENTS OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association ("USTA"), through the undersigned, hereby submits its comments in the above captioned proceeding.<sup>1</sup> USTA is the nation's oldest trade organization for the local exchange carrier (LEC) industry, currently representing more than 1,200 small, mid-size and large companies worldwide.

**I. BACKGROUND**

The National Exchange Carrier Association, Inc. ("NECA") filed a petition for rulemaking on February 8, 1999, seeking to revise the relevant Commission rule and the date by which carriers must make an election as to how they will participate in NECA's access tariffs in the subsequent tariff year.<sup>2</sup> Currently, the Commission's rules require carriers to notify NECA of any change in their participation in the Association tariffs by December 31 of the year

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<sup>1</sup> *In re* National Exchange Carrier Association, Inc. Petition to Amend Section 69.3 of the Commission's Rules, Order and Notice of Proposed Rulemaking, CC Docket No. 99-316 (FCC 99-307), Released October 22, 1999 ("Notice"). The Commission established Nov. 22, 1999 and Dec. 7, 1999, as respective dates for comments and reply comments.

<sup>2</sup> *In re* National Exchange Carrier Association, Inc. Petition for Rulemaking, RM 9486 (filed February 8, 1999) ("NECA Petition").

preceding the filing of the annual interstate access tariff.<sup>3</sup> Since July 1, 1990, annual access tariffs took effect on July 1 of the tariff year. NECA was required to make its annual interstate access tariff 90 days prior to that date.<sup>4</sup> This was approximately April 1 of a given year.

As the Commission notes in the NPRM, the tariff filing rules were changed in 1997 to allow the filing of annual access tariffs on 15 days notice, or approximately on June 15 of the tariff year.<sup>5</sup> NECA reported it had used the ensuing time between December 31 and April 1 to organize and prepare its filing; and, also notes that it has improved its data collection significantly in the intervening years since 1990.<sup>6</sup> Therefore, NECA asked the Commission to initiate a rulemaking to change the pool election date to March 1 of the tariff year. USTA filed comments regarding the NECA petition for rulemaking on March 26, 1999. The Commission granted the request in the NPRM to initiate the instant rulemaking.<sup>7</sup> With this NPRM, the Commission seeks comment on the proposed change in pool election date from December 31 of the prior year to March 1 of the tariff year.

**II. CONSISTENT WITH USTA'S EARLIER COMMENTS FILED IN THE MATTER, USTA SUPPORTS THE PROPOSED RULE AND DATE CHANGE; AND HEREIN URGES THE FCC TO TAKE EXPEDITIOUS ACTION TO EFFECTUATE THE REQUESTED CHANGES.**

USTA believes that NECA's proposal to modify the relevant rule and date for pool

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<sup>3</sup> 47 C.F.R. §69.3(e)(9).

<sup>4</sup> 47 C.F.R. §69.3(a).

<sup>5</sup> NPRM, par. 3, fn. 3 citing In the Matter of Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, Report and Order, 12 FCC Rcd 2170, 2188 (1997).

<sup>6</sup> NECA Petition, pg. 2.

<sup>7</sup> at par. 5.

election status is reasonable. Only USTA and the National Telephone Cooperative Association (NTCA), separately, filed comments on the NECA Petition, both of which were supportive.<sup>8</sup>

USTA posits that NECA has demonstrated the reasonableness of modifying the relevant rule and election date. More importantly, the Commission should take swift action to implement the proposed modification at the conclusion of the reply comment cycle on December 7, 1999.

Given that the reply comment deadline of December 7<sup>th</sup> is a scant 24 days prior to the established December 31, 1999 effective date for pool election, the Commission should act immediately at the conclusion of the reply comment cycle to render a decision on the Petition. Thus far, there is no objection to the change. Importantly, therefore, regardless of whether the Commission agrees or not that the date modification is appropriate, affected companies should have the opportunity to receive immediate notification as to whether the status will be modified in order to make the necessary adjustments.

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<sup>8</sup> NPRM, par. 4.

#### IV. CONCLUSION

For the foregoing reasons, USTA urges the Commission to act expeditiously to change its rule to reflect a NECA pool election notification date of March 1 of the tariff filing year.

Respectfully Submitted,

By: Julie E. Rones  
UNITED STATES TELECOM ASSOCIATION  
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